

DANIEL W. MAGUIRE, State Bar No. 120002  
E-mail: [dmaguire@bwsllaw.com](mailto:dmaguire@bwsllaw.com)  
KEIKO J. KOJIMA, State Bar No. 206595  
E-mail: [kkojima@bwsllaw.com](mailto:kkojima@bwsllaw.com)  
BURKE, WILLIAMS & SORESENSEN, LLP  
444 South Flower Street  
Suite 2400  
Los Angeles, California 90071-2953  
(213) 236-0600; Fax (213) 236-2700

Attorneys for Plaintiff The Guardian Insurance  
and Annuity Company, Inc.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

THE GUARDIAN INSURANCE AND  
ANNUITY COMPANY, INC., a  
corporation,

Plaintiff,

vs.

CARLA M. UNTERMANN, an  
individual; PHILLIP UNTERMANN,  
an individual; BRENDA CAMILLI, an  
individual; JOANNE L. GRIGGS, an  
individual; LISA CAMILLI, an  
individual; KATHLEEN BUTLER  
CAMILLI, an individual; RICHARD L.  
CAMILLI, an individual; DOLPH F.  
CAMILLI, an individual; DIANNE R.  
ABRAHAM, an individual; DOUGLAS  
J. CAMILLI, an individual; BRUCE P.  
CAMILLI, an individual; SPCA OF  
SAN MATEO, CALIFORNIA;  
DIANNE R. ABRAHAM, as Successor  
Trustee of the Dolph L. Camilli Bypass  
Trust; WILLIAM H. SHEA, JR., as  
Successor Trustee of the Gerda M.  
Camilli Survivor Trust; CHRIS  
CAMILLI, an individual, and DOES 1  
through 10, inclusive,

Defendants.

Case No: C 07 3557 CRB

**PLAINTIFF'S REQUEST TO  
EXTEND TIME TO PETITION THE  
COURT TO VACATE THE  
CONDITIONAL DISMISSAL, OR  
ALTERNATIVELY REOPEN  
ACTION**

1 Plaintiff The Guardian Insurance and Annuity Company, Inc. ("the  
2 Guardian"), submits this request to extend the time to petition the Court to vacate  
3 the conditional dismissal, or alternatively, to reopen the action for the following  
4 reasons.

5  
6 On June 27, 2008 the Court ordered that this case remain dismissed without  
7 prejudice provided that within sixty days, if the Stipulation for Discharge,  
8 Dismissal, and Liquidation of Annuity Contracts ("Stipulation for Discharge") has  
9 not been filed, upon certification by any party, the dismissal shall be vacated and  
10 the case restored to calendar.

11  
12 The Stipulation for Discharge, which will dispose of this case in its entirety,  
13 has been circulated to the thirteen Defendants, including those residing outside of  
14 the United States. All of the Defendants, except for one, has signed it. Only  
15 Defendant Dolph Camilli, who is expected to sign it, has not returned his signature  
16 page to Plaintiff's counsel.<sup>1</sup> Additionally, Plaintiff is awaiting the receipt of  
17 necessary claim and trust documents from Defendant William H. Shea, Jr., as  
18 Successor Trustee of the Gerda M. Camilli Survivor Trust, in order for Plaintiff to  
19 liquidate the annuity contracts at issue, which is a subject of the Stipulation for  
20 Discharge. Since the Stipulation for Discharge requires an order for the Guardian  
21 to liquidate the annuity contracts by the 20<sup>th</sup> day following the Court's entry of the  
22 order approving the Stipulation for Discharge, the Guardian requires the receipt of  
23 the necessary documents before the Stipulation for Discharge can be filed.

24  
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26  
27 <sup>1</sup> Since the parties' last request on June 24, 2008 for an extension of time to petition  
28 the Court to vacate the conditional dismissal, they have obtain additional  
signatures for the Stipulation for Discharge and have narrowed down the  
outstanding signatures to just one Defendant.

1 Accordingly, Plaintiff requests that the Court grant a 30-day extension of  
2 time to petition the Court to vacate the dismissal. Such extension will allow time  
3 for Dolph Camilli to execute the Stipulation and for William H. Shea, Jr. to return  
4 the required documents in order for the Stipulation for Discharge to be filed which  
5 would permit the full resolution of this case by settlement. Alternatively, Plaintiff  
6 requests that the dismissal be vacated.

7  
8 DATED: August 25, 2008

BURKE, WILLIAMS & SORENSEN, LLP  
DANIEL W. MAGUIRE  
KEIKO J. KOJIMA

11 By: /s/ Keiko J. Kojima  
12 KEIKO J. KOJIMA  
13 Attorneys for The Guardian Insurance  
14 and Annuity Company, Inc.  
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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

THE GUARDIAN INSURANCE AND  
ANNUITY COMPANY, INC., a  
corporation,

Plaintiff,

vs.

CARLA M. UNTERMANN, et al.,

Defendants.

CASE NO.: C 07 3557 CRB

**ORDER GRANTING EXTENSION  
OF TIME FOR CONDITIONAL  
DISMISSAL**

IT IS HEREBY ORDERED that the parties are granted an extension of time to petition the Court to vacate the dismissal. The case remains dismissed without prejudice. If the parties' anticipated Stipulation for Discharge, Dismissal, Liquidation of Annuity Contracts, Etc. is not filed with the Court within 30 days of this order, upon certification by any party, the dismissal shall be vacated and the case restored to calendar.

DATED: \_\_\_\_\_

\_\_\_\_\_  
United States District Court Judge